IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 8775 OF 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

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FARAHANA MARIANI RADHANPURI L. - Petitioner(s)
Versus
STATE OF GUJARAT & ORS. - Respondent(s)

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Appearance :
NOTICE NOT RECD BACK for Petitioner(s).
MRS. FALGUNI PATEL, AGP for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 17/06/2006

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate relief and order to quash and set aside the action of the respondents in imposing a condition for giving admission to P.T.C. (Urdu) Course in respondent

No.3-College only on the basis of passing S.S.C. Examination in Urdu Medium.

2. While admitting the present Special Civil Application, the learned single Judge granted the interim order dated 13th December, 1991 and directed as follows :

> *"If the admission process is not over and the same is in progress, respondents are directed to consider the application for admission to PTC course submitted by the petitioner without taking into consideration the circular dated September 4, 1990 and the circular dated December 18, 1990, that is to say, the application of the petitioner for admission will be considered without being influenced by the fact that the petitioner has not passed SSC examination in Urdu medium. However, in case the petitioner is granted admission, it will be provisional and subject to further order that may be passed by the court."*

3. Considering the interim order passed by this Court, the case of the petitioner must have been considered by the respondents and the petitioner must have been given admission. If the petitioner had been given admission, the petitioner must have completed her

studies in 1993-94 as the P.T.C. Course being of three years. Under the circumstances, no further useful purpose would be served in deciding the present Special Civil Application on merits and as such, by afflux of time, the present Special Civil Application has become infructuous. Hence, without entering into the merits of the case, the petition is disposed of. However, it is made clear that if the petitioner is admitted under the interim order passed by this Court, then, her admission may not be disturbed. Rule is discharged. No costs.

[M. R. Shah, J.]

*kamlesh**